



THE UNIVERSITY *of* EDINBURGH

## Edinburgh Research Explorer

### There is more than one world....

**Citation for published version:**

Brown, A 2010, 'There is more than one world....'.

**Link:**

[Link to publication record in Edinburgh Research Explorer](#)

**Document Version:**

Publisher's PDF, also known as Version of record

**Publisher Rights Statement:**

© Brown, A. (2010). There is more than one world....

**General rights**

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

**Take down policy**

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact [openaccess@ed.ac.uk](mailto:openaccess@ed.ac.uk) providing details, and we will remove access to the work immediately and investigate your claim.



# script

There is more than one world.....

For

## Gikii V, The Voyage Home

29 June 2010, Edinburgh

Dr Abbe E. L. Brown

[abbe.brown@ed.ac.uk](mailto:abbe.brown@ed.ac.uk)

Lecturer in IT Law, University of Edinburgh

Associate AHRC/SCRIPT



Arts & Humanities  
Research Council

# The Gikii Tale

- There are several worlds....
- Who is in charge?
- The wrong question?



Arts & Humanities  
Research Council

script







# The reality

- “Bottle Head” and “Ben 10 Uglier than Humungusor” are really in charge
- Their world is fun - if odd





# Technology, control and revolution

- Who writes the rules?
- Need it lead to Pandemonium?



Arts & Humanities  
Research Council

script

# Here

- Treaty (TRIPS, UNFCCC focus on technology and its transfer, UN human rights treaties)
- Regional legislation (ECHR, article 101 and 102 TFEU, new R and D Collaboration Guidelines)
- National instruments (CDPA, PA, HRA)
- Background threat
  - courts
    - IP injunction (*eBay*)
  - Other legal fields
    - compulsory licence (rare, even with *Commission Microsoft*)
    - *Ashdown*
    - monitoring and international respect



Arts & Humanities  
Research Council

script



# Did William Golding have it right?

- Lord of the Flies
- “Power corrupts and.....”
- For large ICT/IP owning companies
  - ACTA
  - DEA
- Closed standards and non disclosure
  - FRAND
  - Rambus – 2 for 0
- Terms of service (though they do change...)
  - Twitter
  - SecondLife
  - Even Club Penguin



Arts & Humanities  
Research Council

script

# There?

- It'll be fine, Mum
  - Enid Blyton
- School's Golden Rules
  - positive enforcement
- Background threat
  - teachers
  - me....
  - the playground hierarchy



Arts & Humanities  
Research Council

script

# A positive stance

- Rawls

- persons would choose the fundamental terms on which they would associate with each other in a proposed society, at a time when they were ignorant of their proposed role in the society
- would lead to equal assignment of liberty, rights and duties
- with inequalities to be justified only if all, particularly the least advantaged, would still benefit from the arrangement as a whole
- tested by those involved, until a reflective equilibrium was reached



Arts & Humanities  
Research Council

script



# Will it work?

- US Senators pre Copenhagen IP letter
- Sex bed copyright case
- A Rape in Cyberspace
- The new gold mining
- "No one flies..."



Arts & Humanities  
Research Council

script

## Might it work

- Second Life Community Standards
- Rights of avatars
- The Facebook battle
- ITU leading communications and environmental progress through internationally mandated standards
- Eco-Patent Commons (2008, Nokia, Pitney)
- Open Standards (W3C, VW)
- Access to Knowledge movement



CSR and Partnership



Arts & Humanities  
Research Council

script

## And so

- Why not??
- When (as?) the revolution beckons



Arts & Humanities  
Research Council

script



# EMBRACE IT

- We need new rules
  - (credit Carrie Bradshaw/Preston)
- And also lashings and lashings of ginger beer
  - The Grocer report 2010, “Lashings of ginger beer flying off the shelves as retro drinks make comeback”



Arts & Humanities  
Research Council

script